

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:04CR326
Plaintiff,)	
)	
vs.)	REPORT AND
)	
FREDDIE L. WILLIS,)	RECOMMENDATION
)	
Defendant.)	

This matter is before the court on the motion to suppress by defendant Freddie L. Willis (Willis) (Filing No. 51). The motion seeks to suppress a statement by Willis to Omaha Police Officer Scott Beran on November 23, 2002. Prior to the scheduled hearing on the motion, the government responded by stating the government did not intend to elicit the substance of the statement during the direct examination of any witness during the trial of this matter (Filing No. 53). Accordingly, counsel for the parties have informed the court that the motion to suppress is moot.

IT IS RECOMMENDED TO SENIOR JUDGE LYLE E. STROM that:

Willis' motion to suppress (Filing No. 51) be denied as moot, without prejudice.

ADMONITION

Pursuant to NECrimR 57.3 any objection to this Report and Recommendation of this order shall be filed with the Clerk of the Court within ten (10) days after being served with a copy of this Report and Recommendation. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

DATED this 18th day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge